



## DISCRIMINATION AND HARASSMENT POLICY

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Approved by resolution of the Board of the Architectural Woodwork Manufacturers Association of Canada ("AWMAC") and adopted and made effective on December 16, 2020.

### 1. STATEMENT

AWMAC is committed to ensuring a positive working environment where everyone is treated with respect and dignity. AWMAC is also committed to providing and maintaining an environment in which all stakeholders are free from bullying, workplace harassment, sexual harassment and discrimination.

This Discrimination and Harassment Policy (the "**Policy**") is intended to ensure a safe and positive environment. This Policy applies not only during working hours but also to any activities that could reasonably be associated with the workplace, including social events and including online activities.

### 2. APPLICATION OF THE POLICY

- 2.1. This Policy applies to and is binding upon all AWMAC volunteers and employees and/or contractors, including Board members and Committee members (the "**Participants**"), and shall apply throughout the course of Participants' participation in, involvement with and activities with, AWMAC, along with any activities that could reasonably be associated with the workplace, including social events and online activities.
- 2.2. In recognition of the importance of this Policy, all Participants of AWMAC shall have a copy of this Policy made available to them and shall be deemed to acknowledge and undertake compliance with this Policy by virtue of accepting a position with AWMAC, whether such position is as an employee, independent contractor or volunteer, and including, without limitation, through nomination or appointment to the Board or a Committee position with AWMAC. The obligations of the Participants are legally binding and are, among other good and valuable consideration, in consideration of the Participants being permitted to fill their role within AWMAC.
- 2.3. For clarity, this Policy also applies to Participants' conduct outside of AWMAC's business, activities and events, including when such outside conduct could or does adversely effect the workplace environment at AWMAC. The Board will determine such jurisdiction in its sole discretion.

### 3. GENERAL EXPECTATIONS

Participants have a responsibility to play a part in ensuring that AWMAC's workplace environment is free from harassment and discrimination. This responsibility is to be discharged by avoidance of any conduct which might be or reasonably be perceived as harassment or discrimination. Participants, regardless of seniority or level of authority, found to have engaged in conduct constituting harassment or discrimination, will be subject to appropriate discipline, including termination of appointment or position as appropriate. In addition, any Participant of AWMAC who believes that another Participant

has experienced, or is experiencing, harassment, discrimination, or retaliation for having brought forward a complaint, is encouraged to notify the Executive Director or the President.

If a person does not explicitly object to harassing or discriminating behaviour, or appears to be going along with it, this does not mean that the behaviour is okay. The behaviour could still be considered harassment or discrimination under the Policy.

#### 4. DEFINITIONS

Harassment and discrimination may be intentional or unintentional. Unintentional behaviour may still constitute harassment or discrimination but may attract different discipline than intentional behaviour. It is not an acceptable defence to say that an offending action, conduct, or comment was not intended.

4.1. "**Harassment**" can take many forms, but generally involves conduct, action, comment, or display that is insulting, intimidating, humiliating, derogatory, malicious, or otherwise objectionable to another individual. Such improper conduct may include, but is not limited to, discriminatory practices and harassment based on the following grounds, and any combination of these grounds (collectively, the "**Prohibited Grounds**"):

- a) Age;
- b) Creed (religion);
- c) Sex (including pregnancy and breastfeeding);
- d) Sexual orientation;
- e) Gender identity;
- f) Gender expression;
- g) Family status ;
- h) Marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship);
- i) Disability (including mental, physical, developmental or learning disabilities);
- j) Race;
- k) Ancestry;
- l) Place of origin;
- m) Ethnic origin;
- n) Citizenship;
- o) Colour;
- p) Record of offences (criminal conviction for a provincial offence, or an offence for which a pardon has been received);
- q) Association or relationship with a person identified by one of the above grounds; and/or
- r) The perception or knowledge that one of the above grounds applies.

In addition to the foregoing, harassment includes any form of retaliation or reprisal against a Participant for having made a complaint, participated or cooperated in an investigation into a complaint, or associated with the Participant who properly made a complaint.

4.2. "**Sexual and Gender-Based Harassment**" is a form of discrimination based on gender and is part of the definition of harassment. For greater clarity, sexual and gender-based harassment may include:

- a) Gender-related comments about a person's physical characteristics or mannerisms;
- b) Paternalism based on gender which a person feels undermines his or her self-respect or position of responsibility;
- c) Unwelcome physical contact;
- d) Suggestive or offensive remarks or innuendoes about members of a specific gender;
- e) Propositions of physical intimacy;
- f) Gender-related verbal abuse, threats or taunting;
- g) Leering or inappropriate staring;
- h) Bragging about sexual prowess or questions or discussions about sexual activities;
- i) Offensive jokes or comments of a sexual nature about an employee, client or other Participant;
- j) Rough and vulgar humour or language related to gender;
- k) Display of sexually offensive pictures, graffiti or other materials including through electronic means; and/or
- l) Demands for dates or sexual favours.

4.3. "**Discrimination**" means any form of unequal treatment based on one or more Prohibited Ground, including whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may include direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral but disadvantage certain groups of people. Discrimination may take obvious forms, or it may happen in very subtle ways. Even if many factors are affecting a decision or action, if discrimination is one factor, that is a violation of this Policy.

4.4. "**Workplace**" means any place where business or work-related activities are conducted. It includes, but is not limited to, the physical work premises, work-related social functions (parties, etc.), work assignments outside company offices or off-site locations, work-related travel, and work-related conferences or training sessions. It also includes online activity which may effect Participants at the Workplace.

4.5. "**Workplace Bullying and Harassment**" includes any inappropriate conduct or comment by a Participant towards a Participant that the Participant knew or reasonably ought to have known would cause that Participant to be humiliated or intimidated. For greater clarity, examples of behaviour or comments that might constitute bullying and harassment include:

- a) Verbal aggression or insults;
- b) Calling someone derogatory names;
- c) Harmful hazing or initiation practices;



- d) Vandalizing personal belongings;
- e) Spreading malicious rumours; and/or
- f) Any Sexual and Gender-Based Harassment or Harassment as outlined in this Policy.

For the purposes of this Policy, any Harassment, Sexual and Gender-Based Harassment, Discrimination and/or Workplace Bullying and Harassment shall be referred to as "**Harassment or Discrimination**".

## 5. CONFIDENTIALITY

5.1. AWMAC understands that it is difficult to come forward with a complaint of Harassment or Discrimination and recognizes the interests of those involved in keeping the matter confidential. To protect the interests of the complainant, the person complained against, and any others who may report incidents of Harassment or Discrimination, confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances. Notwithstanding the foregoing, to the extent the identity or details of a complainant must be disclosed as part of an investigation or as part of the requirement to ensure fairness in any investigation or disciplinary proceedings, AWMAC may be required to provide such disclosure, however AWMAC will work with the complainant to do so in a fair and respectable manner.

5.2. All records of complaints, including the context of meetings, interviews, results of investigations, and other relevant material, will be kept confidential by AWMAC to the extent possible.

## 6. PROCEDURE FOR REPORTING AND HANDLING COMPLAINTS

The following procedure is not intended as a comprehensive guide. In keeping with the spirit of this section, additional or varied procedure may be appropriate depending upon the circumstances, at the discretion of the Executive Director in consultation with the President.

6.1. A Participant who believes that he or she has been subjected to Harassment or Discrimination as outlined under this Policy, or otherwise, (a "**Complainant**") is encouraged to bring the matter to the attention of the Participant exhibiting the offensive conduct (the "**Complaine**").

6.2. Where the Complainant does not wish to bring the matter directly to the Complaine's attention, or where such an approach is attempted and does not produce a satisfactory result, the Complainant should then seek the Executive Director or the President's advice.

6.3. Upon receipt of a written complaint, an investigation will be undertaken by a person appointed by the Executive Director in consultation with the President. The investigator will interview appropriate persons and review relevant evidence and will have the authority to make findings of fact as discovered from the Complainant, the Complaine, and any witnesses or other sources of information. The investigator shall report to the Executive Director and the President, the finding of fact and the investigator's recommendations.



6.4. The Executive Director and the President will report the findings to the Executive Committee who shall have the power to decide whether Harassment or Discrimination has taken place, including on one or more Prohibited Grounds, and including as outlined in this Policy, has been proven, on a balance of probabilities.

6.5. Should Complainants or Complainees be members of the Executive Committee or the Executive Director, they shall recuse themselves from any involvement in the discussion.

## 7. DISCIPLINE

7.1. If a complaint is substantiated following an investigation, appropriate disciplinary action may be taken by AWMAC against any Participant who violates the respectful workplace and/or commits Harassment or Discrimination. The exact nature of the discipline will be determined based upon the seriousness of the offence and the presence or absence of steps taken by the Complainee to remedy or apologize for the misconduct. Discipline is at the sole discretion of the Executive Committee. Should Complainants or Complainees be members of the Executive Committee, they shall recuse themselves from any involvement in the discussion or determination of discipline. Discipline may include a range of any or all of the following:

- a) verbal warning;
- b) reprimand in writing;
- c) requirement for a formal apology;
- d) report to the Participant's regulatory body, if appropriate;
- e) termination of employment, contractual relationship, appointment or voluntary participation (as appropriate) with or without notice; and/or
- f) such reasonable and prudent sanction as appropriate in the circumstances.

In the event the Executive Committee determines that the appropriate sanction for a Participant who is a member of the Board is termination of that Participant's position with the Board, the Participant in question will, upon request from the Executive Committee, provide a resignation of their position of the Board effective immediately. In the event a Participant fails to do so, the Participant hereby irrevocably appoints the President or Executive Director as their attorney for the purposes of doing so.

In the event the Participant subject to discipline is an employee or independent contractor of AWMAC, their employment or contract may be subject to termination with or without notice and the Participant hereby agrees that being found to have committed Harassment or Discrimination under this Policy shall be valid and good cause for termination of their employment and/or contractual relationship with AWMAC.

## 8. FRIVOLOUS, MALICIOUS, OR VEXATIOUS COMPLAINTS

8.1. AWMAC will not condone frivolous, malicious, or vexatious complaints. Any Participant who makes a frivolous, malicious, or vexatious complaint will be subject to discipline as noted above. If the Executive Director and President find a complaint to not be proven and find the complaint



to be frivolous, malicious, or vexatious in intent, appropriate disciplinary action may be taken against the complainant in accordance with the procedure outlined above.

## **9. APPEAL PROCESS**

9.1. Should a Participant wish to appeal the decision regarding the result of the investigation or the discipline determined by the Executive Committee, he or she must notify the Executive Director and President in writing within one (1) week of receipt of the results of the investigation or discipline. In consultation with the President, the Executive Director will strike an appeal committee made up of three current members of the Board or other individuals, who may or may not be AWMAC members. The committee will review the investigation and report back to the Executive Director and President with its recommendation. The decision of the appeal committee will be final.

## **10. TIME LIMIT FOR FILING A COMPLAINT**

10.1. In order to preserve evidence and ensure the integrity of complaints, any complaints must be made within a reasonable time following the occurrence of the event of Harassment or Discrimination. AWMAC has adopted a six-month time frame. Unless prescribed by law otherwise, AWMAC will have no obligation to deal with a complaint when facts upon which the complaint is based occurred more than six months before the complaint is made.

10.2. AWMAC is not precluded from dealing with matters that occurred more than six months before the complaint is made, at the sole discretion of the Executive Director in consultation with the President. If the Executive Director and President do not agree, the Executive Committee will decide whether action should be taken. Should Complainants or Complainees be members of the Executive Committee, they shall recuse themselves from any involvement in the discussion.